

## **REMARKS**

### **I. Introduction**

Claims 1 to 18, and 69 to 72 stand rejected. Claims 19 to 68 were withdrawn. Claims 1, 10, and 69 have been amended. New claims 72 to 87 have been added by the present amendment. No new matter has been added. The amended and new claims are supported by the original filed specification and drawings. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

One of the references listed on the previously filed information disclosure statement was not initialed by the Examiner, the Office Action contending that the information disclosure statement filed March 7, 2005 failed to comply with 37 CFR 1.98(a)(2). While the objection is not necessarily agreed with, a Supplemental Information Disclosure Statement including a copy of the International Search Report, Appln. No. PCT/US2004/036175 dated February 17, 2005 is submitted together with this paper. Consideration of the reference by the Examiner is respectfully requested.

The Office Action objected to the abstract. While the objection may not be agreed with, the Abstract has been amended.

### **II. Claim Objections**

In the Office Action, Claims 1, 10, and 69 were objected to. While the objection may not be agreed with, these claims have been amended. In claims 1 and 10 the phrase "if the data is determined to be valid" has been changed to "responsive to a determination of the data being valid." In claim 69 the phrase "if the instruction is processed successfully" has been changed to "responsive to the determination that the instruction has been processed successfully," and the phrase "determining that the instruction has been processed successfully" has been inserted. In light of the amendment, withdrawal of the objections is respectfully requested.

### **III. Rejection of Claims 1 to 4, 10, 11, 14, 15, and 69** **Under 35 U.S.C. § 102(b)**

Claims 1 to 4, 10, 11, 14, 15, and 69 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,471,039 (“Irwin”). It is respectfully submitted that Irwin does not anticipate the present claims for at least the following reasons.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. MPEP 2131 (citing Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements as arranged in the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Claim 1 recites

A method for validating a ticket associated with a game of chance, comprising:

*reading a barcode encoded with an instruction and data*, wherein the barcode is included on the ticket;

based on the encoded instruction, *sending the data* and a trigger to execute a check validity program to validate the data; and

responsive to a determination of the data being valid by the check validity program, validating the ticket.

Thus, the ticket is validated using the data encoded in the barcode. Irwin generally describes validation of a lottery ticket in which an external verification machine transmits the data as to which play spots have been removed along with the ticket’s validation number to a central computer. The Office Action asserts that “[t]he data as to which play spots have been removed are is [sic] an instruction/trigger.” However the data as to which play spots have been removed in Irwin is *not* encoded within a barcode on Irwin’s ticket, therefore it cannot be the recited instruction in Applicant’s claim 1, which must be encoded in the barcode. Therefore, the “reading a barcode encoded with an instruction and data” recited in Applicant’s claim 1 is not performed when using Irwin’s ticket, and thus Irwin does not anticipate Applicant’s claim 1.

Claims 2, 3 and 4 depend from and therefore include all of the limitations of claim 1. It is therefore respectfully submitted that Irwin does not render unpatentable claims 2, 3 and 4 for at least the same reasons set forth above in support of claim 1.

Claim 10 recites a barcode encoded with an instruction and data. It is therefore respectfully submitted that Irwin does not render unpatentable claim 10 because, similar to the reasons set forth above in support of claim 1, Irwin does not teach a barcode encoded with an instruction. The Office Action cites the missing scratch-off layer in Irwin as the source of Irwin's "trigger", but this is not encoded in a barcode as recited in Applicant's claim 10.

Claims 11, 14 and 15 depend from and therefore include all of the limitations of claim 10. It is therefore respectfully submitted that Irwin does not render unpatentable claims 11, 14 and 15 for at least the same reasons set forth above in support of claim 10.

Claim 69 recites a barcode encoded with an instruction and data. It is therefore respectfully submitted that Irwin does not render unpatentable claim 69 for at least similar reasons as those set forth above in support of claims 1 and 10.

**IV. Rejection of Claims 5, 6, 12 and 13**  
**Under 35 U.S.C. § 103(a)**

Claims 5, 6, 12 and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Irwin and U.S. Patent 6,251,017 ("Leason"). It is respectfully submitted that the proposed combination of Irwin and Leason does not render unpatentable the present claims for at least the following reasons.

Claims 5 and 6 depend from and therefore include all of the limitations of claim 1. It is therefore respectfully submitted that Irwin does not render unpatentable claims 5 and 6 for at least the same reasons set forth above in support of claim 1.

Claims 12 and 13 depend from and therefore include all of the limitations of claim 10. It is therefore respectfully submitted that Irwin does not render unpatentable claims 12 and 13 for at least the same reasons set forth above in support of claim 10.

**V. Rejection of Claim 7**  
**Under 35 U.S.C. § 103(a)**

Claim 7 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Irwin and U.S. Patent 6,340,331 ("Saunders"). It is respectfully submitted that the Examiner's proposed combination of Irwin and Saunders does not render unpatentable the present claims for at least the following reasons.

Claim 7 depends from and therefore include all of the limitations of claim 1. It is therefore respectfully submitted that Irwin does not render unpatentable claim 7 for at least the same reasons set forth above in support of claim 1.

**VI. Rejection of Claims 8, 9, 16, 17, 70, and 71**

**Under 35 U.S.C. § 103(a)**

Claims 8, 9, 16, 17, 70, and 71 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Irwin and U.S. Patent 5,337,358 (“Axelrod”). It is respectfully submitted that the Examiner’s proposed combination of Irwin and Axelrod does not render unpatentable the present claims for at least the following reasons.

Claims 8 and 9 depend from and therefore include all of the limitations of claim 1. It is therefore respectfully submitted that Irwin does not render unpatentable claims 8 and 9 for at least the same reasons set forth above in support of claim 1.

Claims 16 and 17 depend from and therefore include all of the limitations of claim 10. It is therefore respectfully submitted that Irwin does not render unpatentable claims 16 and 17 for at least the same reasons set forth above in support of claim 10.

Claims 70 and 71 depend from and therefore include all of the limitations of claim 69. It is therefore respectfully submitted that Irwin does not render unpatentable claims 70 and 71 for at least the same reasons set forth above in support of claim 69.

**VII. New Claims 72 to 87**

New claims 72 to 85 have been added herein. It is respectfully submitted that new claims 72 to 85 do not add any new matter and are fully supported by the originally filed specification, claims, and drawings. Claims 72 to 75 depend from claim 1, 76 to 79 depend from claim 10, claims 80 to 83 depend from claim 69, and claims 84 and 85 depend from claim 1. Accordingly each of the newly added claims should be allowable for at least the reasons given previously for their respective parent claims.

Moreover, claims 72-83 all recite further properties of the recited instruction in the parent claims, or the way or subsystems which process the instruction. None of the cited references teach or suggest a virtual machine instruction, a Java instruction, a compiled instruction, an interpreted instruction, or the other recited features should be provided encoded on game ticket, or that processing of such instructions read from tickets should be provided. Claims 84-87 all recited further properties of how the recited encoded information on the game ticket may be used to identify a server where the ticket may be validated. These features are also not provided in any of the cited references.

**VIII. Conclusion**

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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